

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA <i>ex rel.</i>	§	
MONICA DYSON	§	
and	§	
MONICA DYSON, in her own right,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. H-03-4223
	§	
AMERIGROUP TEXAS, INC.	§	
and	§	
AMERIGROUP CORPORATION,	§	
	§	
Defendants.	§	

MEMORANDUM AND ORDER

Pending before the Court is Plaintiff's motion to file a First Amended Complaint. The motion, Docket No. 47, was filed on March 6, 2006; a previous version of the motion, filed February 24, 2006, was denied without prejudice to refiling, for failure to comply with the Court's local rules. Both motions were filed long after the December 3, 2004 amended pleading deadline had passed and very shortly before trial, which is scheduled to begin on April 3, 2006.

Plaintiff argues that her proposed amendment should be permitted because it merely supplies a missing detail – namely, that Defendants are federal taxpayers. The Amended Complaint also, however, includes an additional paragraph asserting a new ground for relief: paragraph 25 states that Plaintiff “seeks through this action to recover damages and civil penalties arising from the Defendant’s submission of a false record or statement to conceal, avoid, or decrease Amerigroup’s Federal Income Tax liability.” (Pl.’s 1st Am. Compl. at 7 ¶ 25.)

Plaintiff fails to explain or justify the long delay in proposing the amendment. With only a few weeks remaining before trial commences, the Court finds that the amendment would unduly prejudice Defendants. Accordingly, Plaintiff's motion to amend is hereby **DENIED**.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 10th day of March, 2006.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**